PETITION FOR ADMIN. VARIANCE IN RE:

SE/S Walmut Avenue, 390' SW of

Falls Road

(1409 Walnut Avenue) 3rd Election District 2nd Councilmanic District

Jon Considine and Carol Quirk

Petitioners

BEFORE THE

ZONING COMMISSIONER

OF BALTIMORE COUNTY

Case No. 97-324-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Administrative Variance for that property known as 1409 Walnut Avenue, located in the vicinity of Falls Road and Lake Roland. The Petition was filed by the owners of the property, Jon Considine and Carol Quirk. Petitioners seek relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear yard setback of 10 feet in lieu of the required 30 feet for a proposed two and one-half story addi-The subject property and relief sought are more particularly detion. scribed on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. The subject property having been posted and there being no requests for public hearing, a decision shall be rendered based upon the documentation presented. Based upon the information contained in the case file, there is no evidence to indicate that the requested variances would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance

PORR RECEIVED FOR FLING

with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE IT IS ORDERED by the Zoning Commissioner for Baltimore County this day of March, 1997 that the Petition for Administrative Variance seek relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear yard setback of 10 feet in lieu of the required 30 feet for a proposed two and one-half story addition, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

LAWRENCE E. SCHMIDT Zoning Commissioner

for Baltimore County

LES:bjs



ESTIMATED POSTING DATE:

Petition for Administrative Variance

which is presently zoned

to the Zoning Commis	ssioner of Baltimore County
for the property located at	3/09 WAINUT AVENUE

D.R.3.5 This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) reto and made a part hereof, hereby petition for a Variance from Section(s) 1302.30.1 - (CLHANT) TO
ALLOW A LOFT REAL YARD SECTORES UNLIGHT OF 30FI IN A DR. 3.5 7000

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

to allow ten (10) feet from the rear building face to the rear property line in leiu of the required 30 feet. The owners would like to build an addition onto the existing house to make it SPE REVERSE easier for them to get to the second floor.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filling of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

a :	legal owner(s) of the property which is the subject of this Petition. Logal Owner(s):
	JON CONSIDINE
KIN O IN	(Type or Print Name)
	In a Consolle
The state of the s	Signature
	CAROL OUIRK
	Carol Quisto.
State Zipcode	Signature
	1409 WALNUT AVENUE (410) 828-1494
,	Address Phone No. BALTIMORE; MARYLAND 21209
	City State Zipcode Name, Address and phone number of representative to be contacted
•	JON CONSIDINE
Phone No.	Name
State Zipcode	1409 WALNUT AVENUE (410) 828-1494
Zpcoog	BALTIMORE, MARYLAND 21209
been requested and/or found to be required, it is orc	dered by the Loning Commissioner of Baltimore County, this day of 19
of this petition be set for a public hearing , advertised	
p been requested and/or found to be required. It is cro of this petition be set for a public hearing, advertised Baltimore County, and that the property be reposmo.	dered by the Loning Commissioner of Baltimore County, this day of 19
	State Zipcode Phone No.

Printed with Sovbean Inte on Recycled Paper

ffidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at	address	1409 Walnu	t Avenue	
	City	Baltimore,	Maryland	21209 Zip Code
That based upon personal knowledge, the folio	wing are the fa	cts upon which I/we base	the request for an A	dministrative
The Affiants request an County Zoning Regulation following circumstances addition to the existing was selected because the located adjacent to the contains a stairway all addition without having the second floor of the proposed addition included to an undeveloped stri	ons due The defirst den ir lowing a g to pas e exist; uded wit the are	to practical Affiants wis ling. The lost floor of the existing the existing the existing through and house (see that this applies of the pro-	difficulty of the cation for addition grant for the cation).	y based on the datwo story the addition will be that loor of the bedrooms on lans of the addition t is adjacent
That Affiant(s) acknowledge(s) that if a prote may be required to provide additional information of the following state of maryland, county of Balifer Maryland, in and for the County aforesaid, if the county of the county aforesaid, if the county	TIMORE to w	(signature) CAROL (type or print)	ol Quin	Public of the State
the Affiants(s) herein, personally known or sat that the matters and facts hereinabove set fort. AS WITNESS my hand and Notarial Seal.	isfactorily iden h are true and c	tified to me as such Affiar correct to the best of his/h	ntt(s), and made oath er/their knowledge a	n in due form of law and belief.
	!	My Commission Expires: My Co	ommission Exps	. April 17, 2000



CIVIL ENGINEER

28 EAST SUSQUEHANNA AVENUE TOWSON, MARYLAND 21286

(410) 494-4914 FAX (410) 823-3827

ZONING DESCRIPTION 1409 WALNUT AVENUE

Beginning for the same at a point in, or near, the center of Walnut Avenue, a right of way 20 feet wide, at a distance of 390 feet, more or less, measured in a southwesterly direction from the center of Falls Road. Thence leaving said Walnut Avenue and binding along east side of a right of way 20 feet wide S 40 degrees 59 minutes E 200.65 feet; thence leaving the side of said right of way and running the following courses and distances, viz: N 44 degrees 15 minutes E 137.30 feet, S 48 degrees 46 minutes E 131.00 feet, N 45 degrees 03 minutes E 99.00 feet, S 45 degrees 02 minutes E 87.85 feet, S 65 degrees 05 minutes W 134.35 feet, S 45 degrees 43 minutes E 104.50 feet, S 45 degrees 07 minutes W 212.96 feet, N 47 degrees 34 minutes W 273.65 feet, N 44 degrees 41 minutes E 85.00 feet, binding on the west side of said right of way 20 feet wide N 40 degrees 59 minutes W 200.65 feet, to intersect the center of Walnut Avenue and binding in, or near, the center of Walnut Avenue N 44 degrees 15 minutes E 20.07 feet to the point of beginning.

Containing 75,097 square feet, or 1.724 acres of land, more or less.

Being that land contained in a deed recorded in the land records of Baltimore County in Liber 7524 at Folio 693. Located in the Third Election District, and Second Councilmanic District, of Baltimore County, Maryland. Also known as 1409 Walnut Avenue.

January 23, 1997 letters\97001DES

Richard John Truelove P.E.

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ALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE REVENUE DIVISION MISCELLANEOUS CASH RECEIPT

032317

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	AMOUNT \$	<u> </u>	, , , , , , , , , , , , , , , , , , ,
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FOR:	OC TRIBUTATUM	at state	,4.

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DISTRIBUTION
VALIDATION OR SIGNATURE OF CASHIER
WHITE CASHIER PINK AGENCY YELLOW CUSTOMER

CERTIFICATEDF POSTING

	RE: Case No.: 97-324-A
	Petitioner/Developer: CONSTOLNE
	Date of Hearing/Closing: 3/3/97
Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, MD 21204 Attention: Ms. Gwendolyn Stephens Ladies and Gentlemen:	FEB 1 8 East 1
This letter is to certify under the penalties of per	jury that the necessary sign(s) required by law
were posted conspicuously on the property loca	AVE.
BALIO, MD &	1209
The sign(s) were posted on	Month, Day, Year)
	Sincerely, Memoria (Signature of Sign Poster and Date) (Printed Name) (Printed Name) (Address) By Hmore (City, State, Zip Code) 31334 (410) 668-8576 (Telephone Number)
[CASE NO: 91-324-A	



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Printed with Soybean ink

Development Processing County Office Building 111 West Chesapeake Ave Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of which, lies with the petitioner/applicant) and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with this requirement.

Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

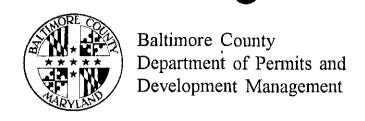
;	ARNOLD JABLON, DIRECTOR
For newspaper advertising:	
Item No.: 324	
Petitioner: JOH CONSIDNE	
Location: 1409 WACNUT LUE	
PLEASE FORWARD ADVERTISING BILL TO:	
NAME: JOH CONSIDUE	
ADDRESS: 1409 WYCNUT AUF	
BALTO MD ZIZOR	
PHONE NUMBER: 828-1494	
AJ:ggs	(Revised 09/24/96)

Request for Zoning: Administrative Variance

Date to be Posted: Anytime before but no later than 02-169.7.

Format for Sign Printing, Black Letters on a White Background:

ZONING NOTICE	
ADMINISTRATIVE VARIANCE	
Case No.: 97-324-13.	
	. .
SETBACK IN LIGHT 30 FT. IN A DR. 3.5.	
PUBLIC HEARING? PURSUANT TO SECTION 26-127(b) (1), BALTIMORE COUNTY CODE, AN ELIGIBLE INDIVIDUAL OR GROUP MAY REQUEST A PUBLIC HEARIN CONCERNING THE PROPOSED VARIANCE, PROVIDED THE REQUEST IS RECEIVED IN THE ZONING REVIEW BUREAU BEFORE 5:00 P.M. ON MARC 3, 1997. ADDITIONAL INFORMATION IS AVAILABLE AT THE DEPARTMENT OF	
PERMITS AND DEVELOPMENT MANAGEMENT, COUNTY OFFICE BUILDING, 111 WEST CHESAPEAKE AVE., TOWSON, MD 21204, (410) 887-3391	ı
DO NOT REMOVE THIS SIGN AND POST UNTIL AFTER ABOVE DATE UNDER PENALTY OF LAW	
HANDICAPPED ACCESSIBLE	



Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

February 19, 1997

ABOUT YOUR ADMINISTRATIVE VARIANCE

CASE NUMBER: 97-324-A
1409 Walnut Avenue
SE/S Walnut Avenue, 390' SW of Falls Road
3rd Election District - 2nd Councilmanic
Legal Owner(s): Jon Considine and Carol Quirk
Post by Date: 2/16/97
Closing Date: 3/3/97

Contact made with this office regarding the status of this case should reference the case number and be directed to 887-3391. This notice serves as a refresher regarding the administrative process.

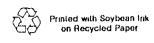
- 1) The Zoning Notice sign must be visible on the property under petition on or before the "Post by Date" noted above. It should remain there until after the closing date.
- 2) The "Closing Date" noted above, is the deadline for a neighbor to file a formal request for a public hearing.
- 3) After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. He/She may (a) grant the requested relief, (b) deny the requested relief, or (c) Order that the matter be set in for a public hearing. You will receive written notification (typically within 7 to 10 days) as to whether or not your petition has been granted, denied, or will go to public hearing.
- 4) In cases that must go to a public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), notification of same will be forwarded to you. The sign on the property must be changed giving notice of the hearing's date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign, must be forwarded to this office.

PLEASE UNDERSTAND ON CLOSING DATE, THE PROCESS IS NOT THAT THE COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW. ORDERS ARE FOR DISTRIBUTION VIA PICK-UP. WHEN READY, THE ORDER WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL.

Arnold Jablon

Director

cc: Jon Considine and Carol Quirk



Market Sections of the Control of

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

TO:

PDM

FROM:

R. Bruce Seeley

Permits and Development Review

DEPRM

SUBJECT:

Zoning Advisory Committee
Meeting Date: F-621,97

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s:

329

330

33/

327

328

RBS:sp

BRUCE2/DEPRM/TXTSBP

who alexander

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

:

Arnold Jablon, Director

Date: February 26, 1997

Department of Permits & Development

Management

Robert W. Bowling, Chief
Development Plans Review Division

SUBJECT:

Zoning Advisory Committee Meeting

for February 28, 1997

Item Nos. 320, 323, 324, 325, 331,

and 334

The Development Plans Review Division has reviewed the subject zoning item, and we have no comments.

RWB:HJO:jrb

cc: File

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

DATE: February 25, 1997

TO:

Arnold Jablon, Director

Permits and Development

Management

FROM:

Pat Keller, Director

Office of Planning

SUBJECT:

Petitions from Zoning Advisory Committee

The Office of Planning has no comments on the following petition(s):

Item Nos. (324 and 332

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3495.

Cary L. Kerns

Prepared by:

Division Chief:

PK/JL



Maryland Department of Transportation State Highway Administration

David L. Winstead Secretary Parker F Williams Administrator

Ms. Roslyn Eubanks Baltimore County Office of Permits and Development Management County Office Building, Room 109 Towson, Maryland 21204

RE: Baltimore County 2.21.97 Item No. 324 (JRA)

Dear Ms. Eubanks:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Larry Gredlein at 410-545-5606 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

f. J. Bull

Por Ronald Burns, Chief **Engineering Access Permits** Division

LG

My telephone number is ___



#319 --- JRF

- 1. No address or telephone number for legal owner.
- 2. Need title of person signing for legal owner.
- 3. Sign form incomplete.

#320 --- JRF

- 1. Notary section is incomplete.
- 2. Area is 9.991 +/- WHAT??? (acres, square feet, miles?).

#321 --- JLL

1. Sign form incorrect.

#322 --- JCM

1. Sign form not completed.

#323 --- RT

1. No section number or wording on petition form.

#324 --- JRA

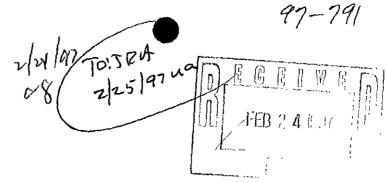
1. Sign form incorrect.

#325 --- JLL

1. Sign form incorrect.



Architect



20 February 1997

Mr. John Alexander
Development Controls
Baltimore County Zoning Office
111 West Chesapeake Avenue, Room 113
Towson, Maryland 21204

Re:

1409 Walnut Avenue

Baltimore, Maryland 21209

Case No. 97324-A

Dear Mr. Alexander:

Jon Considine and Carol Quirk, owners of the above referenced property, requested that I write this letter to you describing the reasons for locating the proposed addition to their residence that generated the request for an administrative variance from the Baltimore County Zoning Regulations.

The reasons are as follows:

- 1. The addition cannot be located on the front of the house because this is the location of a one story porch.
- 2. The owners do not want to locate the addition on the northwest side of the house because this is the side of the house approached from the driveway. An addition in this location is not aesthetically appropriate given the layout and roof configuration of the existing house. An addition in this location will not receive any direct sunlight so that the bedroom interiors will feel dim, especially on cloudy days. Construction of the addition in this location also requires removal of a mature oak tree.
- 3. Locating the addition on the southeast end of the house places access to the addition directly off the living room in the existing house on the first floor and a bedroom on the second floor. Locating access to the addition off the living room is not desirable because the room is rather small and creating a circulation path through it limits use of this room even further. Locating access to the addition off of a bedroom on the second floor is not desirable because the room will no longer function as a bedroom. Access to the addition from the exterior is also on the wrong side of the house, remotely located from the driveway.
- 4. Locating the addition inside the right angle formed by the existing house does not make sense because the kitchen becomes an interior room with no access to natural light. The roof configuration of the existing house will not permit a two story addition in this location.
- 5. The proposed addition included with the administrative variance application makes the most sense because access to the first floor of the addition is located off of the existing parlor on the first floor. The connector between the existing house and

Mr. John Alexander 20 February 1997 Page two

the addition also provides a second entrance to the house on the approach side from the driveway, the best location for handicapped access to the house, should that be required in the future.

Locating access to the addition off a space on the second floor that is currently used for a bedroom, but after construction of the addition will be used as a home office, makes the most sense because this room contains a stair from the parlor on the first floor and is the least private room on the second floor. This stair also provides access to the second floor connection to the addition without requiring that one walk from the main stair in the center of the house through the bedroom that is in the north corner of the house.

This location makes the most sense aesthetically because it has the least impact on the forms and roof lines of the existing house. The slope of the gabled roof of the addition will match the slope of the gabled roof over the front of the existing house. This location also make the most sense in terms of exposure to the sun because the windows in the bedrooms will face southeast and southwest, thereby receiving direct sun light throughout the day.

Please do not hesitate to contact me should you have any questions regarding this letter.

Sincerely,

Warren Anderson, AIA

Warren Andritan

Copy: Jon Considine and Carol Quirk

Marilee Considine

324

To Whom it may concern:

I am an owner of property adjacent to the residence at 1409 Walnut Avenue. I have been informed of the proposed addition to that property, and it's position relative to the property line.

I have no objection to the proposed building project, nor it's position relative to my property.

Emma J. 1 Bright
2/4/97

RAINTEN RAPIT

To Whom it may concern:

I am an owner of property adjacent to the residence at 1409 Walnut Avenue. I have been informed of the proposed addition to that property, and it's position relative to the property line.

I have no objection to the proposed building project, nor it's position relative to my property.

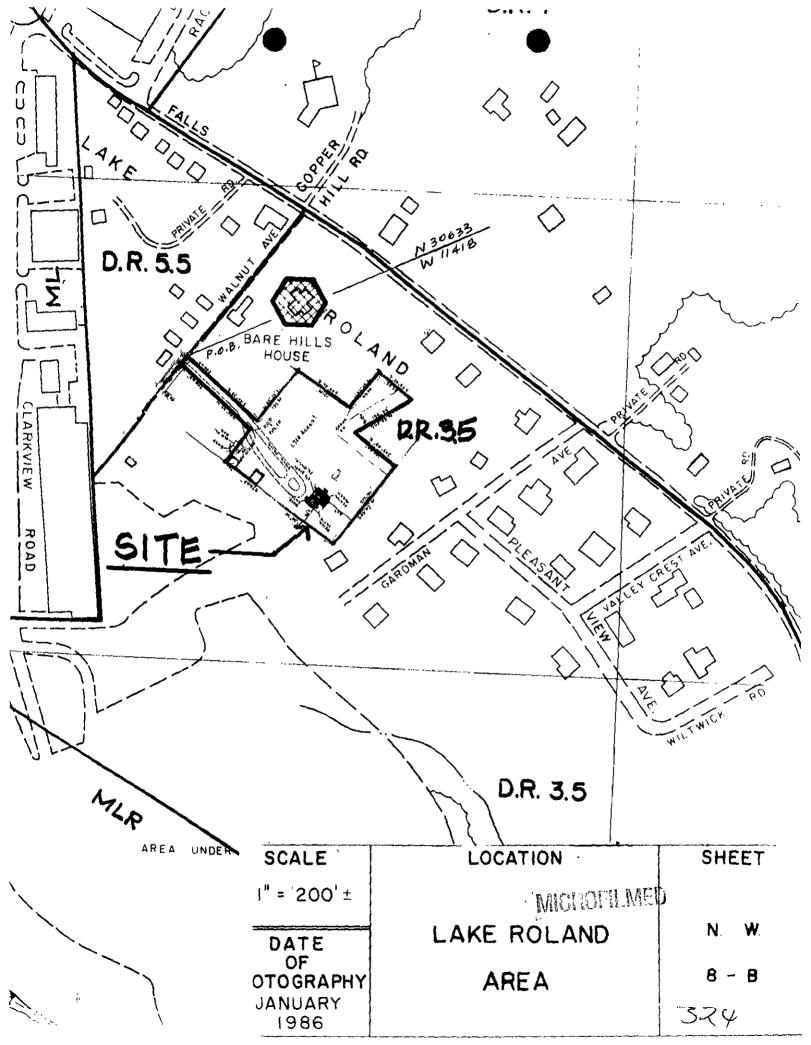
Marder C. Considine 1/31/97

14 Dualnet avenue? Baltimore, Moreyland 21269 February 4,1897

To retorn it may concern;
We own the property adjuce it to the 1409 Walnut avenue' reside seem to end addition to that property; and that its position will not experience, our property at 1411 Walnut avenue.

If their be the case we have not objection.

Walliam Wasses





View of Rear Yard Looking Northwest



View of Dwelling and Rear Yard Looking North



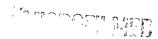


View of Rear Yard Looking Southeast

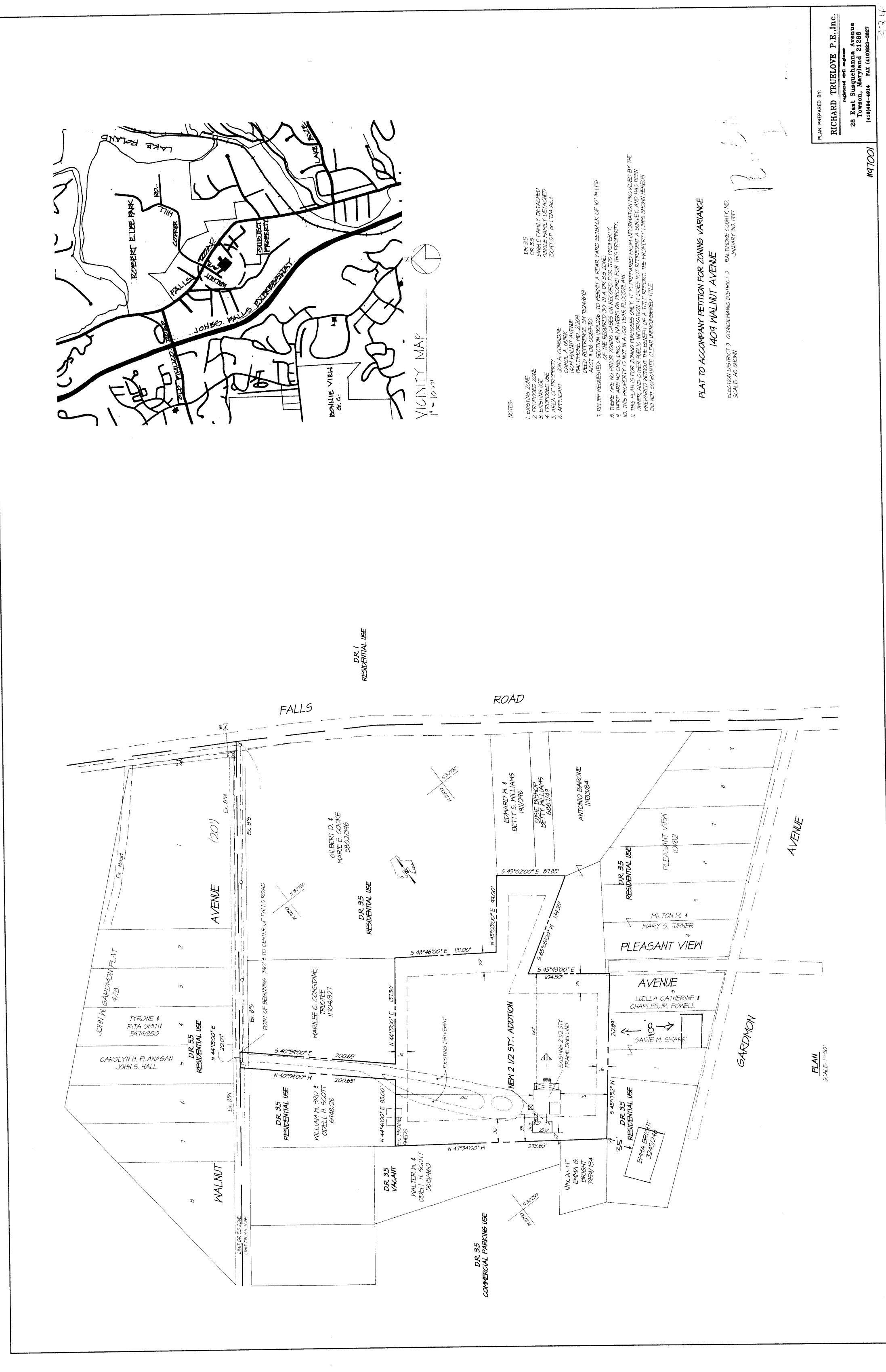


View of Rear Yard Looking North





BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING PHOTOGRAPHIC MAP

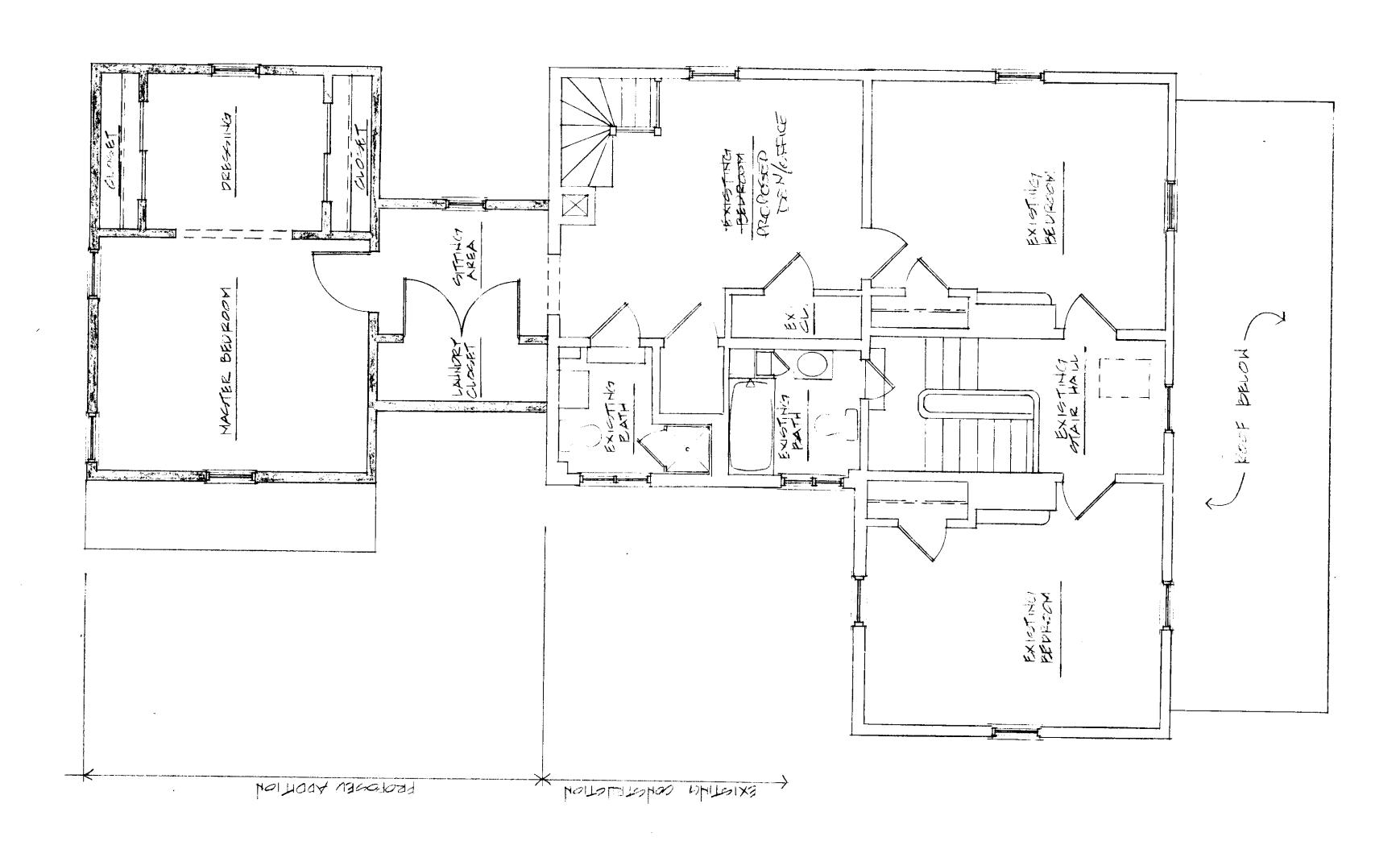


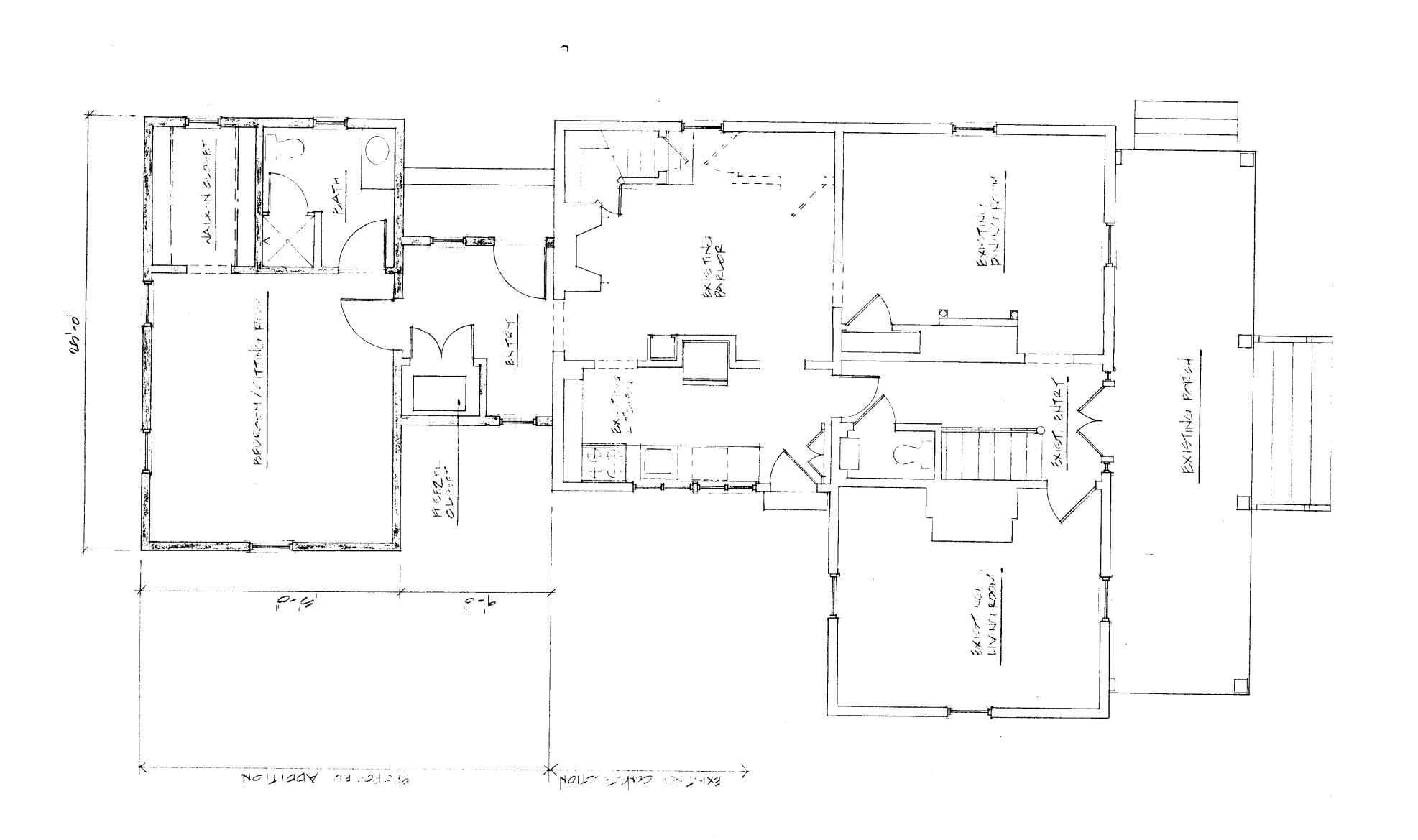
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ADDITION TO THE
CONSIDINE/QUIRK
RESIDENCE
1409 Walnut Avenue
Baltimore, Maryland
21209

Carol Quirk
1409 Walnut Avenue
Baltimore, Maryland
21209

Architect
Warren
Ala
Ala
319 East 26th Street
Baltimore, Maryland
Ala
Ala
A-1





(2) SECOND FLOOR PLAN

This document was created with the trial vers